

NORFOLK, VIRGINIA
ACTION OF THE COUNCIL
CITY COUNCIL MEETING
TUESDAY, OCTOBER 25, 2016 – 7:00 P.M.

Mayor Alexander called the meeting to order at 7:00 p.m.

The opening prayer was offered by Reverend Canon Win Lewis, Christ and Saint Luke's Episcopal Church, followed by the Pledge of Allegiance.

The following members were present: Ms. Graves, Ms. Johnson, Ms. McClellan, Mr. Riddick, Mr. Smigiel, Mr. Thomas, Dr. Whibley, and Mr. Alexander.

President Alexander moved to dispense with the reading of the minutes of the previous meeting.

Motion adopted.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley and Alexander

No: None.

CERTIFICATION OF CLOSED MEETINGS

A Resolution entitled, "A Resolution certifying closed meetings of the Council of the City of Norfolk in accordance with the provisions of the Virginia Freedom of Information Act," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective October 25, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley and Alexander.

No: None.

CEREMONIAL MATTERS

1. Mayor Alexander introduced Shirley Confino-Rehder, Chair of the Norfolk Commission for Persons with Disabilities, presented their 2015-2016 Annual Report.

PUBLIC HEARINGS

PH-1

Matter of a public hearing scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Brock Ventures, Inc.**, for an amendment to the future land use designation in the General Plan, *plaNorfolk2030*, from Institutional to Multifamily and for a change of zoning from IN-1 (Institutional) District to R-13 (Moderately High Density Multi-Family) District on property located at **435 Virginia Avenue**.

(Passed by at the June 28, 2016 meeting)

(The applicant has requested this matter be continued generally)

ACTION: Continued generally.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

PH-2

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **F. Sullivan Callahan**, for the closing, vacating and discontinuing a portion of **45th Street** from the eastern line of **Colley Avenue**.

F. Sullivan Callahan, 327 Duke Street, the applicant, spoke in favor of this matter and Keith Colonna, 1042 North Lexan Court, adjacent property owner was present but did not speak.

Thereupon, an Ordinance entitled, “An Ordinance closing, vacating and discontinuing a portion of **45th Street** from the eastern line of **Colley Avenue** 150 feet eastwardly and authorizing the conveyance to the abutting property owner or owners of any interest the City has in the said portion of **45th Street**,” was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective November 25, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

PH-3

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to amend **Section 45.5-4** of the **Norfolk City Code**, **SO AS TO** establish new boundaries for the **Enterprise Zone**.

Eric Tennant, 3621 Deerfield Drive, was present to support this matter.

Thereupon, an Ordinance entitled, “An Ordinance amending **Section 45.5-4 of the Norfolk City Code**, **SO AS TO** establish new boundaries for the **Enterprise Zone**,” was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 25, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

REGULAR AGENDA

R-1

Matter of a letter from the City Manager and an Ordinance entitled, “An Ordinance approving a **Lease Agreement** between **1155 Pineridge, LLC** and the City of Norfolk for the lease of that certain property owned by 1155 Pineridge, LLC located at **1155 Pineridge Road**, and authorizing the City Manager to execute the Lease Agreement on behalf of the City of Norfolk,” was introduced in writing and read by its title.

(Passed by at the October 11, 2016 meeting)

Ellis James, 2021 Kenlake Place, stated that it is important for tax payers to pay attention to what’s happening in the City. He also thanked Team Norfolk for an excellent job in re-negotiating the Pineridge LLC Agreement.

ACTION: The Ordinance as introduced was **adopted**, effective October 25, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R-2

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting the **Trustees of the Larchmont United Methodist Church** to encroach into the right-of-way at **1101 Jamestown Crescent** with the placement of pumpkins for the Annual Fall Fundraiser,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 25, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R-3

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **Richard G. Levin** to encroach into the right-of-way of **W. 21st Street** with a projecting sign from the building facade,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 25, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R-4

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting **455 Granby, LLC** permission to encroach into the right-of-way at **455 Granby Street** approximately 130 square feet for the purpose of outdoor dining and approving the terms and conditions of the **Encroachment Agreement**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 25, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R-5

Letter from the City Manager and an Ordinance entitled, “An Ordinance requesting the **Virginia Department of Transportation** to establish two **FY2017 Smart Scale Construction Projects**; in accordance with the **Programmatic Project Administration Agreements** between the City of Norfolk and the **Virginia Department of Transportation**; and appropriating and authorizing the expenditure of the total sum of \$5,336,605.00 for these projects, subject to and in accordance with the terms of the aforesaid Agreements,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 25, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R-6

Letter from the City Manager and an Ordinance entitled, “An Ordinance authorizing the **Director of Finance** to credit various accounts of the **Department of Utilities** in the total amount of \$823,126.26 **SO AS TO** reflect uncollectible balances for Fiscal Year 2013,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 25, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R-7

Letter from the City Manager and a Resolution entitled, “A Resolution authorizing the formation of **Legal Entities** by the **Norfolk Redevelopment and Housing Authority** to facilitate the conversion of existing assisted rental communities from low income public housing to project-based vouchers in Grandy Village and North Wellington,” was introduced in writing and read by its title.

Steve Morales, Norfolk Redevelopment and Housing Authority, was present to answer questions.

ACTION: The Resolution as introduced was **adopted**, effective October 25, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R-8

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting a \$404,670.00 **Grant Award** from the **U.S. Department of Homeland Security, Federal Emergency Management Agency**, appropriating and authorizing the expenditure of the funds for the FY2016 Port Security Grant Program and authorizing the expenditure of a local cash match of \$134,890.00 for the purchase of equipment and to pay for training to enhance port security,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 25, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R-9

Letter from the City Attorney and an Ordinance entitled, “An Ordinance directing the City Treasurer to issue a refund in the amount of \$8,593.05 plus interest to **Booz Allen Hamilton Inc.** based upon the overpayment of its Business Personal Property Taxes for the Tax Year 2016,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 25, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R-10

Letter from the City Attorney and an Ordinance entitled, “An Ordinance directing the City Treasurer to issue a refund in the amount of \$5,546.48 plus interest to **Business Interiors & Moving Services, LLC** based upon the overpayment of its Business License Tax for Tax Years 2012 through 2014,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 25, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R-11

Letter from the City Attorney and an Ordinance entitled, “An Ordinance directing the City Treasurer to issue a refund in the amount of \$15,930.75 plus interest to **Harrell & Harrell Incorporated** based upon the overpayment of its Food and Beverage Tax for the month of July 2016,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 25, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R-12

Letter from the City Attorney and an Ordinance entitled, “An Ordinance directing the City Treasurer to issue a refund in the amount of \$6,348.85 plus interest to **L & W Machine Inc.** based upon the overpayment of its Business Personal Property Tax for the Tax Year 2016,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 25, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R-13

Letter from the City Attorney and an Ordinance entitled, “An Ordinance directing the City Treasurer to issue a refund in the amount of \$6,950.49 plus interest to **PHF II Norfolk LLC** based upon the overpayment of its Transient Lodging Tax for the month of June 2016,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 25, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R-14

Letter from the City Attorney and an Ordinance entitled, “An Ordinance directing the City Treasurer to issue a refund in the amount of \$3,256.80 plus interest to **Pitney Bowes Global Financial Services LLC** based upon the overpayment of its Business Personal Property Taxes for the Tax Year 2016,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 25, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R-15

Letter from the City Manager and a Resolution entitled, “A Resolution ratifying a **Declaration of a State of Local Emergency** made by the **Director of Emergency Management** for the City of Norfolk, Virginia, pursuant to **Virginia Code Section 44-146.21**, due to the hazards and damages of **Hurricane Matthew**” was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective October 25, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

R-16

An Ordinance entitled, “An Ordinance appointing **Douglas Smith** as the **Interim City Manager**” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 25, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

NEW BUSINESS

1. Danny Lee Ginn, 3844 Dare Circle, apologized to Councilwoman Johnson for making the wrong assumption about her that proved him wrong. During the debate against an opponent he realized that she was not a yes person and that she makes decisions fairly and encourages citizens to participate in City government.
2. Mary Simpson-Jones, 7505 Paulin Court, expressed concerns about Councilwoman Johnson. She tried to confirm Ms. Johnson as a guest speaker at a civic league meeting, but was not successful. She also said that there were questions that the community has that have not been addressed.
3. Tanterrian Taylor, 5920 Poplar Hall Drive, expressed concerns about a T-Mobile Tower outside her apartment complex. She stated that it interferes with her TV and internet connections. She mentioned that she never received any communications that the tower was going to be located there and said that the tower needs to be moved near the interstate.